		ES DISTRICT COURT DISTRICT OF TEXAS	FILED
1	AUSTIN DIVISION		APR 1 8 2023
BRANDON JOHNSON, PLAINTIFF,  V.  MERCEDES-BENZ FINANCIAL SERVICES USA LLC, JP MORGAN CHASE BANK, N.A., AND TEXAS CHILD SUPPORT DIVISION, DEFENDANTS.	<i>\$</i> \$\theta\$	CAUSE NO. 1:22-CV	WESTERN DISTRICTCLERK BY DEPUTY
	§		

## ORDER ON REPORT AND RECOMMENDATION

Before the court in the above-referenced cause is Defendant Mercedes-Benz Financial Services USA LLC's ("Mercedes-Benz") Rule 54 Motion for Attorney's Fees (Doc. #56), which was referred to a United States Magistrate Judge for Report and Recommendation. *See* 28 U.S.C. § 636(b); FED. R. CIV. P. 72; Loc. R. W.D. Tex. App'x C, R. 1(d). The magistrate judge rendered a Report and Recommendation on March 8, 2023 (Doc. #59), recommending that the court award \$15,871.50 in attorney's fees and nontaxable expenses to Mercedes-Benz.

A party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the Report and Recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); FED. R. CIV. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusion, and recommendations in a Report and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United States Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

The court mailed the Report and Recommendation to Plaintiff Brandon Johnson by

certified and regular mail (Doc. #60). The mail was returned to the court on March 27, 2023,

and marked "attempted - not known, unable to forward" (Doc. #61). Johnson has not responded

to the Report and Recommendation, nor has he notified the court of a change of address. Having

reviewed the Report and Recommendation along with the case file and applicable law, the court

finds no plain error and accepts the Report and Recommendation for substantially the reasons

stated therein. See FED. R. CIV. P. 72(b).

IT IS THEREFORE ORDERED that the United States Magistrate Judge's Report and

Recommendation (Doc. #59) is hereby **APPROVED** and **ACCEPTED** by the court.

IT IS FURTHER ORDERED that Defendant Mercedes-Benz Financial Services USA

LLC's Rule 54 Motion for Attorney's Fees (Doc. #56) is **GRANTED**.

IT IS FINALLY ORDERED that Defendant Mercedes-Benz Financial Services USA

LLC is awarded attorney's fees and nontaxable expenses in the amount of \$15,871.50. To the

extent Mercedes-Benz seeks conditional attorney's fees should Johnson appeal, such request is

GRANTED, with any additional attorney's fees to be determined after resolution of any further

appeals by Johnson.

SIGNED this \_\_\_\_\_ day of April, 2023.

ED STATES DISTRICT JUDGE

2